

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA)	Case No.: 08-cr-00350-GMN-GWF-1
)	
Plaintiff,)	ORDER
vs.)	
)	
CURTIS MARK GEBERS, JR,)	
)	
Defendant.)	
)	

Before the Court is the United States of America's Motion for an Order to Repay Victim (ECF No. 81). Defendant Curtis Mark Gebers, Jr. filed a Response (ECF No. 83). In its motion, the United States asks the Court for an Order directing Defendant to pay restitution in the amount of \$889,415.71 to his victim, iMAX Bancard Network. The Defendant is asking the court to order him to pay only \$660,333.14 in restitution.

At the August 12, 2011 hearing, Arlene Jones testified on behalf of victim iMAX and examined the account statements, line by line, explaining the net loss suffered by iMAX as a result of Defendant's actions. During her testimony, she specifically explained why several amounts previously included by the Government in their calculation should have been excluded and why certain amounts that were not included should have been. Afterwards, the United States submitted a spreadsheet that tabulated the amounts Arlene Jones indicated should be included. Prior to the hearing, and pursuant to the plea agreement, the United States had argued that the loss suffered by iMAX was only \$889,415.71. Their new spreadsheet now claims that iMAX's loss actually amounts to \$949,415.71.

The Defendant has failed to justify his claim that iMAX's own conduct caused the accrual of additional fees for their own benefit which should not be considered as part of the loss

1 they suffered. Ms. Jones explained that these fees were appropriate pursuant to their contract
2 with the Defendant and that iMAX incurred fees of its own payable to a third party as a result of
3 the Defendant's conduct.

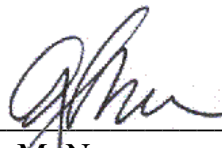
4 The Court conducted its own review of the testimony of Ms. Jones and the amounts she
5 verified should be treated as lost funds but reached a different conclusion. The Court calculated
6 their total loss related to Headliner Tickets to be \$904,457.60 and \$43,054.70 for the losses
7 attributed related to Tickets My Way. This amounts to a total loss of \$947,512.30.
8 Nevertheless, since the Court's tabulation of the total loss is still greater than the amount the
9 United States is asking in its request for restitution and more than the maximum amount
10 contemplated on page four of the Plea Memorandum, the Court will grant the Government's
11 Motion for an Order to Repay Victim (ECF No. 81) and order the maximum restitution
12 contemplated in the Plea Memorandum in the amount of \$889,415.71.

13 **IT IS HEREBY ORDERED** that the United States of America's Motion for an Order to
14 Repay Victim (ECF No. 81) is **GRANTED**.

15 **IT IS FURTHER ORDERED** that Defendant Curtis Mark Gebers, Jr. is **ORDERED** to
16 pay iMAX Bancard Network, LLC the sum of **\$889,415.71**.

17 The Clerk of the Court is hereby directed to **AMEND THE JUDGMENT OF**
18 **CONVICTION** to reflect the restitution amount of **\$889,415.71**.

19 DATED this 2nd day of November, 2011.

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22 _____
23 Gloria M. Navarro
24 United States District Judge
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